

clarify her causes of action. See Nix v. Welch & White, P.A., 55 F. App'x 71, 73 (3d Cir. 2003) (“Although the Federal Rules of Civil Procedure do not address the precise situation here, that is, where leave to amend is not sought, it must be granted if the deficiency could be cured by amendment.” (citing Shane v. Fauver, 213 F.3d 113, 116 (3d Cir. 2000)); Gordon v. Leeke, 574 F.2d 1147, 1152 (4th Cir. 1978) (“What might be a meritorious claim on the part of a pro se litigant unversed in the law should not be defeated without affording the pleader a reasonable opportunity to articulate his cause of action.”); see also Foman v. Davis, 371 U.S. 178, 182 (1962) (“In the absence of any apparent or declared reason— such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.— the leave sought should, as the rules require, be ‘freely given.’”); Francis v. State of N.J. Office of Law Guardian, 289 F. App'x 472, 473 (3d Cir. 2008) (“Before dismissing a *pro se* complaint, district courts should ‘expressly state, where appropriate, that the plaintiff has leave to amend within a specified period of time.’” (quoting Shane v. Fauver, 213 F.3d at 116)).

Plaintiff is DIRECTED to file an amended complaint within 20 days of the date of this order. Defendant’s motion to dismiss is DENIED without prejudice.

This 18 April 2013.



W. Earl Britt
Senior U.S. District Judge